

Directive

9180.36 5-1-97

WAREHOUSE SAMPLE-LOT INSPECTIONS

1. PURPOSE

This directive:

- a. Establishes contract procedures for warehouse sample-lot inspection service;
- b. Outlines the responsibilities of the field office manager, agency manager 1/, warehouse management, and warehouse sampler; and
- c. Outlines procedures for performing warehouse sample-lot inspections.

2. REPLACEMENT HIGHLIGHTS

This directive supersedes FGIS Instruction 918-36, "Warehouse Sample-Lot Inspections," dated 12-21-90. This directive is updated to reflect organizational changes, a new numbering system, and new format, but does not revise policy.

3. POLICY

Warehouse sample-lot inspection service is authorized by Sections 2, 7, 11, and 16 of the U.S. Grain Standards Act, as amended (USGSA), and is provided for and implemented by section 800.75(c) of the regulations thereunder, to facilitate the merchandising of grain in locations where official sample-lot inspections are impractical.

This service consists of:

- a. A licensed warehouse sampler sampling an identified lot of grain using an approved diverter-type mechanical (D/T) sampler;

1/ For the purpose of this directive, the responsibilities and functions assigned to an agency manager will be assumed by the field office manager when there is no agency operating in the area where the service is requested.

- b. Sending the sample to official personnel; and
 - c. Official personnel analyzing the sample for grade, official factors, official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, and the instructions.
4. PREREQUISITES FOR OBTAINING INSPECTION SERVICES
- a. Warehouse sample-lot inspection services may be provided when:
 - (1) An approved D/T sampler is available;
 - (2) All necessary equipment/supplies are provided;
 - (3) A contract regarding the service has been established between FGIS, the agency, and the warehouse (a separate contract must be entered into for each facility where the service is requested); and
 - (4) The warehouse employee designated to draw samples is licensed under the USGSA.
 - b. D/T Sampler.
 - (1) Warehouse management must have an approved D/T sampler in each facility where warehouse sample-lot inspection services are to be performed.
 - (2) Warehouse management must arrange with the agency manager for testing the D/T sampling equipment.
 - (3) The agency manager must test the D/T sampler according to instructions contained in the Mechanical Sampling Systems Handbook and issue an authorization certificate.
 - c. Related Equipment and Supplies. Warehouse management must furnish the licensed warehouse sampler the following equipment:
 - (1) An approved divider if the secondary mechanical (SM) sampler does not reduce the samples to a representative sample of approximately 2,500 grams or 2-1/2 quarts. The divider must be tested and approved by the agency manager or field office manager in accordance with the Equipment Handbook;

- (2) Plastic-lined canvas bags (for forwarding samples for inspection) 1/;
 - (3) Approved sampling report forms 1/;
 - (4) Mailing tags for forwarding samples to the inspection location 1/; and
 - (5) Security cabinet, as needed, to safeguard the samples from manipulation or substitution.
- d. Contracting for Service. Once the warehouse manager has complied with the requirements of paragraphs a and b of this section, a service contract may be executed with FGIS for the performance of official sampling on identifiable lots of grain for warehouse sample-lot inspection.

The contract authorizes **only** the obtaining and forwarding of official samples of grain to official personnel. Contracts do **not** allow an elevator employee to obtain official samples of export grain, test grain, grade grain, or certificate the results of any official inspection.

- (1) Warehouse management may initiate a contract by:
 - (a) Obtaining Form FGIS-950, "Warehouse Sample-Lot Inspection Service Contract," (attachment 1) from the agency;
 - (b) Having the warehouse sampler sign the original and three copies of the form;
 - (c) Signing the original and all copies of the form; and
 - (d) Forwarding the original and all copies to the agency or FGIS field office having jurisdiction over the area in which the service is desired.

1/ These materials may be obtained from the agency manager.

- (2) The agency manager will:
- (a) Determine if the warehouse has an approved and currently checktested D/T sampler and other necessary equipment available for the licensed sampler's use; and
 - (b) Review the form, sign the original and all copies, if approved, and forward the signed form to the field office manager having jurisdiction over the circuit.

(3) The field office manager will:

- (a) Review form FGIS-950 for completeness. If the form is not completed properly, return it with completion instructions; and
- (b) Sign the original and all copies of the properly completed form, assign a contract number, date the contract, and distribute the form as follows:

Original----Warehouse

1st copy----Licensed Warehouse Sampler

2nd copy----Agency

3rd copy----Field Office

e. Licensing of the Warehouse Sampler(s). The warehouse sampler may not perform the warehouse sampling function until a license has been issued or during any period of suspension. Warehouse samplers are **not** considered official personnel, but are licensed under authority of Section 11 of the USGSA. A warehouse sampler license will be issued if: (1) a USGSA application for license has been submitted; (2) the applicant is found to be knowledgeable, competent, and otherwise qualified to obtain a sample; and (3) a form FGIS-950 has been submitted by the warehouse management and accepted by FGIS.

(1) Applying for a License.

- (a) The applicant for a warehouse sampler's license must complete Form FGIS-944, "Application/License Under the USGSA," (attachment 2) and submit the completed form to the warehouse management.
- (b) Warehouse management must sign item 14 of FGIS-944 and forward all copies to the agency designated for the location.

- (c) The agency manager will indicate in the "Remarks" section of FGIS-944 whether or not the application should be approved or dismissed.
- (d) If approved, the agency manager will forward all copies of FGIS-944 to the field office manager.

(2) Training for a License.

- (a) The agency manager must make available in an area accessible to all applicants, a copy of:
 - 1 This directive;
 - 2 The Grain Inspection Handbook, Book I, "Grain Sampling;"
 - 3 The Mechanical Sampling Systems Handbook;
 - 4 FGIS-9180.48, "Stowage Examination Services,"
 - 5 The USGSA and the regulations.
- (b) If requested by warehouse management, the agency manager will instruct the prospective licensee on procedures for using a D/T sampler and on the duties of an official sampler. The training should consist of proper operation of D/T samplers and related equipment, obtaining samples, dividing samples, and forwarding samples to official personnel for inspection and certification.
- (c) After determining that the applicant is knowledgeable, the agency manager will administer a written examination to the prospective sampler in accordance with the Licensing Handbook.

(3) Licensing.

When the applicant passes the examination, the agency manager will forward the form FGIS-944 and the examination materials to the field office manager. The field office manager will review all records and examination materials and, if in order, issue a license to the warehouse sampler and notify the warehouse management and the agency manager.

If the applicant fails the examination, the agency manager will inform the applicant and warehouse management. The applicant may be retested after a period of 30 days. If the applicant fails the second examination, there is a waiting period of 90 days before reexamination.

5. PROCEDURES FOR WAREHOUSE SAMPLERS

The warehouse sampler shall perform the following functions:

a. Before loading.

- (1) Visually inspect each carrier or container for the presence of insects or other vermin, moisture, foreign material, residue from previous cargoes, loose rust, scale, sand, salt, broken glass, whitewash or cement, commercially objectionable foreign odor, and other conditions which could contaminate or otherwise lower the quality of the grain. When a carrier or container is not suitable for loading, withhold sampling until the carrier or container has been cleaned and is ready to receive grain. (Refer to FGIS Program Directive 9180.48, "Stowage Examinations.")
- (2) Examine the D/T sampler and the SM sampler sites. (Refer to chapter 4, Book I, Grain Inspection Handbook, and the Mechanical Sampling Systems Handbook.)
 - (a) Ensure that the areas surrounding the D/T sampler and SM sampler are clean and well lighted.

CAUTION: Be sure that the power to the D/T sampler and SM sampler has been turned off before examining internal mechanism.

- (b) Open the D/T sampler and SM sampler inspection doors and visually examine the inside for blockage, unusual wear, and mechanical malfunction. When cargo dividers are used as an SM sampler, take apart and check for any blockage.

- (c) Visually examine and measure the pelican of the D/T sampler for the correct opening width (3/4" to 7/8"). To measure the width of the pelican, use a go-no-go gauge, tape, or ruler. The required frequency for this examination is a minimum of once every 6 months.
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- (d) Observe the operation of the pelican to see whether it is traversing smoothly from side to side without any lag or hesitation. If the D/T sampler is air operated, check the air pressure gauges frequently during sampling to see if the air pressure remains constant.
- (e) Check the timer on the D/T sampler control panel to ensure that it is set for the correct time interval.
- (f) When applicable, verify whether the communication system is working properly. This system aids the sampler in verifying the identity of the carrier being loaded.

b. During loading.

- (1) Remain at the sample collection box or within sight of it at **all** times. This does not preclude performing other duties concurrently with sampling. However, the sampler is still responsible for sample security and for determining that the D/T sampler and SM sampler are operating properly.
- (2) Operate the D/T sampler in accordance with the manufacturer's instructions. If the D/T or SM sampler is not operating properly, the sample obtained is **not** considered representative and will not be forwarded as a warehouse sample-lot inspection.

c. After loading.

- (1) Complete an original and one copy of the sampling report (attachment 3) for each official sample or groups of samples. The original of the report will accompany the sample(s), and the copy given to the warehouse.

1/ At facilities where the D/T sampler is not in use for 6 months, it does not need to be checked until the sampler is to be used for official services.

- (2) When the SM sampler does not reduce the initial sample to the appropriate size (approximately 2,500 grams or 2-1/2 quarts), use an approved divider to reduce the sample.
- (3) Pour the sample into a canvas bag containing a plastic bag as an insert. Close and secure the plastic bag. Slip the original copy of the sampling report or other identification between the plastic bag insert and the canvas bag. Close and secure the canvas bag. When samples are hand-carried to the agency, a plastic bag with the identification attached to the outside may be used.
- (4) When more than three samples are being mailed to the agency, place the samples, packaged as described in item (3), into a mailing bag and attach a mailing tag or label. When a sampling report is used to show the identification of more than one carrier or container, each sample must have identification as to the carrier or container it represents.
- (5) Maintain and protect the sample(s) from manipulation, substitution, or from conditions which could affect the representativeness of the sample. Retain official sample(s) in your possession (or in a security cabinet or lock box if applicable) until the loading of all of the carriers or containers is completed or until there is a break in loading. Then forward the samples to the agency.
- (6) Return the excess grain to the carrier or the elevator. Portions of grain samples may be provided to the elevator. Such portions may be obtained from any excess grain remaining after the official 2,500-gram sample.

NOTE: Warehouse management will be responsible for supervising the day-to-day activities of a licensed warehouse sampler. When the samples obtained by a licensed sampler are found to be not representative, warehouse management shall notify the agency. The agency manager will make the determination whether the samples are representative. If the samples are found to be not representative, the agency manager will notify the field office manager immediately.

6. CERTIFICATING INSPECTION RESULTS

In accordance with the request on the sampling report, the results of each warehouse sample-lot inspection will be certificated by official personnel on FGIS-913, "Official Certificate Warehouse Sample-Lot Inspection."

7. REVIEWS

The agency manager will make a minimum of two reviews per year at each location where a licensed warehouse sampler is stationed. (Locations that have a very low volume of service or are seasonal may, at the agency manager's discretion, be reviewed only once a year.) During each visit, the agency manager will check the D/T sampler and other sampling equipment to determine that it is in proper working condition. The agency manager will also determine if this directive is being followed.

After conducting the review, a report summarizing the findings of the review shall be included in the agency supervision log.

8. FEES AND CHARGES

- a. Agency. Each agency manager will make the agency's schedule of fees and charges available to the warehouse management upon request. The agency manager may assess fees and charges for the following services:
 - (1) Testing sampling equipment;
 - (2) Instructing warehouse samplers;
 - (3) Examining prospective warehouse samplers;
 - (4) Inspecting warehouse samples (including expenses incurred, if any, for special telephone or electronic reports) and certifying the results; and
 - (5) Reviews.
- b. FGIS. If no agency is available, the field office manager will assess the appropriate fees in accordance with the FGIS fee schedule.

/S/David Orr

David Orr, Acting Director
Field Management Division

FORM FGIS-950, "WAREHOUSE SAMPLE-LOT INSPECTION SERVICE CONTRACT"

UNITED STATES DEPARTMENT OF AGRICULTURE
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION
FEDERAL GRAIN INSPECTION SERVICE

Warehouse Sample
Contract No. _____
Date _____

WAREHOUSE SAMPLE-LOT INSPECTION CONTRACT

AUTHORITY

United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) and the regulations thereunder (7 CFR 800-810).

DESCRIPTION OF SERVICE

The warehouse sample-lot inspection service consists of (1) the official sampling of an identified lot of grain by a licensed employee of a grain elevator or warehouse using an approved diverter-type mechanical sampler; (2) the submitting of the sample and a completed sampling report on an approved form by or for the applicant to an agency; (3) the inspection of the grain in the sample by official inspection personnel for official grade or for official factors, or for official criteria, or any combination thereof, in accordance with the regulations, the instructions, and the request for inspection; and (4) issuance by official personnel of an official inspection certificate in accordance with regulations and instructions under the U.S. Grain Standards Act, as amended (Act), all pursuant to the terms of this contract.

PARTICIPANTS

FGIS - The Federal Grain Inspection Service, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture.

Agency - Any State or local government agency or person designated by the Administrator to conduct official inspection under the Act.

Warehouse - An operator of a grain warehouse or elevator who participates in the warehouse sample-lot inspection service under this contract.

Warehouse Sampler- An employee of a contract warehouse licensed under the Act to obtain official samples and to submit them to an agency for official inspection under this contract. NOTE: A licensed warehouse sampler, when performing the services for which he is licensed, shall operate under the direction and supervision of the contract warehouse.

RESPONSIBILITIES

In carrying out their responsibilities, the parties agree as follows:

A. The FGIS will:

1. Supply each agency with instructional material and warehouse sample-lot inspection service contract forms.
2. Review contract forms for completeness.
3. License qualified warehouse samplers.
4. Monitor the agency with respect to its assigned duties and responsibilities under this contract.
5. Assume the agency's functions and responsibilities in areas where field offices provide original inspection services.

B. The Agency will:

1. Provide specified inspection services in accordance with the provisions of the Act and the regulations and instructions thereunder that relate to the warehouse sample-lot inspection service. (See sections 8 and 11 of the Act, sections 800.75(c), 800.161, 800.171, 800.174(a)(2), 800.185, and 800.186 of the regulations, and FGIS Program Directive 918.36.)
2. Provide such personnel, equipment, and other resources as may be needed for the conduct of the warehouse sample-lot inspection service and maintain such records as FGIS may require. (See regulation 800.185(b).)
3. Handle requests for service under the program without delay and without discrimination. (See regulation 800.185(b).)
4. Upon request of an applicant, test the diverter-type mechanical sampling equipment for use in obtaining official samples under this contract.
5. Instruct each warehouse sampler how to (a) obtain representative samples by using approved diverter-type mechanical samplers and (b) complete the approved sampling report form.
6. Furnish instructional material and sampling report forms and, upon request of the warehouse, furnish shipping materials for use by warehouse samplers.
7. Recommend approval or denial of application for licenses.
8. Promptly certificate the results of inspections for warehouse samples and, when requested, promptly furnish such information by telephone or telegram. (A "Submitted Sample" certificate shall be issued if the sample is not received in accordance with section 5, Procedures for Warehouse Samplers, FGIS Program Directive 918.36.)
- 9.

FORM FGIS-950 (8-90) (Previous editions may be used.)

Attachment 1
FGIS PROGRAM DIRECTIVE 9180.36
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9. Schedule and perform a minimum of two reviews per year to each sampling site to determine whether the diverter-type mechanical sampler is operating in an approved manner. Make a written report summarizing the results of the review visits and make the reports available to the field office upon request.
10. Bill the warehouse (in accordance with published schedule of fees and charges) for services performed under items 4, 5, 6, 8, and 9.

C. The Warehouse will:

1. Install a diverter-type mechanical sampler (including a secondary sampler and an approved diverter where needed to reduce the initial samples to representative portions of approximately 2,500 grams or 2½ quarts) for use in obtaining samples under this contract; arrange with the agency for testing the sampling equipment; and, after approval, assume responsibility for maintaining the authorized diverter-type mechanical sampler for use by licensed warehouse samplers in obtaining official samples under this contract.
2. Promptly notify the agency of changes or proposed changes (including significant repairs or alterations) in the mechanical sampling equipment or in the operation of equipment at the elevator or warehouse which could affect the flow of the grain to or through the mechanical sampling equipment.
3. Provide for handling samples as submitted samples in the event the samples are not obtained in accordance with section 5, Procedures for Warehouse Samplers, FGIS Program Directive 918.36.
4. Arrange with the agency and the field office for instructing and licensing of sampler-employee(s) to obtain official samples under this contract.
5. Provide for and permit only competent licensed samplers employed by him/her to obtain, handle, and prepare official samples for submission to the agency.
6. Assume responsibility for his/her licensed sampler and provide adequate supervision to ensure that the licensed sampler performs his/her duties properly.
7. Obtain from the agency or from the equipment company who installed the diverter-type mechanical sampler suitable polyethylene lined canvas mailing bags (as prescribed in section 5, Procedures for Warehouse Samplers, FGIS Program Directive 918.36) for submitting samples to the agency.
8. Remit prompt payment of the fees and charges to the agency.
9. Load grain, under this contract, only into those carriers or containers which have been examined immediately before loading and found to be substantially clean and dry and free of insect infestation and other conditions that could contaminate or otherwise lower the quality of the grain.
10. Have general responsibility for making the service effective and efficient.

D. The Sampler will:

1. Perform official sampling services for only the undersigned warehouse and at only those locations where an authorized diverter-type mechanical sampler is available for use.
2. Obtain and handle each official sample in accordance with section 5, Procedures for Warehouse Samplers, FGIS Program Directive 918.36. (If the sample is not obtained in accordance with section 5, Procedures for Warehouse Samplers, it may be forwarded to the agency as a "submitted sample.")
3. Permit only licensed samplers to assist in obtaining and handling official samples and preparing official samples for submission to the agency.
4. Prepare an original and one copy of a prescribed "sampling report" for each official sample obtained under this contract and distribute the report as follows: Original: To accompany the sample, First Copy: To the warehouse.

TERMINATION

This contract may be terminated by any of the signatories upon notice in writing. The undersigned accepts the terms and provisions set forth above. Service under this contract shall commence on _____, 19 _____, and shall continue until terminated by one or more of the signatories.

SAMPLER	Name & Mailing Address of Sampler (type or print)	Signature	Date
WAREHOUSE	Name, Location, & Mailing Address of Warehouse (type or print)	Name of Warehouse Representative	Title
		Signature	Date
AGENCY	Name & Mailing Address of Agency (type or print)	Name of Agency Official	Title
		Signature	Date
FGIS	Name & Mailing Address of Field Office (type or print)	Name of Field Office Manager	
		Signature	Date

Attachment 2
FGIS PROGRAM DIRECTIVE 9180.36
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FORM FGIS -944, "APPLICATION/LICENSE UNDER THE USGSA"

Attachment 2
FGIS PROGRAM DIRECTIVE 9180.36
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REMARKS

PRIVACY ACT NOTICE

The following declaration is made pursuant to Public Law 93579 (Privacy Act of 1974), solicitation of personal information. FGIS program Systems of Records include History Records for Licensed Nonfederal Employees. Statutory authority to collect personal information is contained in 7 U.S.C. et seq. Pursuant to Executive Order 9397 of November 22, 1943, disclosure of your social security number is necessary to provide requested information. The principal purpose for the collection of this data is the enforcement of the United States Grain Standards Act. The routine use of this information is to evaluate acceptability of applicant and to evaluate/resolve possible conflicts of interest. The information may be referred to states or other federal agencies for purposes relating to verification of employment or required records and reports. Information also may be referred to the Department of Justice or to other investigative and law enforcement agencies for investigation, prosecution and/or administrative action resulting from violation of law, rule, regulation, instructions, or order, or to a Congressional Office in response to a constituent's request for release of his/her record.

Form

FGIS-944 (4-86) Reverse

INSTRUCTIONS FOR COMPLETING FORM FGIS-944.
"APPLICATION/LICENSE UNDER THE USGSA"

(Warehouse Samplers Only)

- 1 Enter name (last, first, and middle initial).
- 2 Enter birth date (month, day, year).
- 3 Enter social security number.
- 4 Enter the applicant's mailing address.
- 5 Enter the warehouse address.
- 6 Not applicable.
- 7 Not applicable.
- 8 Check domestic.
- 8a Check "sampler" block.
- 9 Check applicable block.
- 9a Complete if applicable.
- 10 Check the applicable block.
- 11 Check box B, No. 6 "Warehouse Sampler" block.
- 12 Not applicable.
- 13 Applicant should read thoroughly and understand before signing.
- 14 The AM or warehouse management should read thoroughly and understand before signing.

The FOM shall approve or dismiss the application and sign.

If the application is dismissed, the FOM shall briefly state why under "Remarks" on original and all copies.

INSTRUCTIONS FOR COMPLETING SAMPLING REPORT FORM

- 1 Enter the name of the agency to whom the sample is submitted for inspection.
- 2 Enter the location of the agency.
- 3 Check applicable box. If request is for "factor," specify which factors are requested.
- 4 Check the type of movement.
- 5 Check the type of inspection requested.
- 6 Enter the approximate quantity in terms of carlot, trucklot, trailerlot, part-carlot, part-trailerlot, or pounds.

Attachment 3
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- 7 Enter "D/T sampler." If a D/T sampler was not used or the D/T sampler malfunctioned, write "SUBMITTED SAMPLE" in BOLD letters diagonally across the face of the Sampling Report Form.
- 8 Record the date the sampling was completed.
- 9 Enter the location of the grain at the time of sampling.
- 10 Identify the carrier, container, or sample as follows:

Railcar - Initials and numbers. Compartmented cars shall be further identified as "Covered Hopper," or "Open Top Hopper."

Trucks and Trailers - License number of carrier and name of State.

Other - Name of carrier, container, or storage facility and identifying name or number.

NOTE: One sampling report may be used to show the identity of more than one carrier or container under the following conditions:

- The grain being loaded into the carrier(s) or container(s) is sampled the same day by the same sampler under the same contract,
 - Item (10) of the sampling report form shows the wording "See reverse side" on all copies of the sampling report, and
 - Each sample clearly shows the identification of the carrier or container which it represents.
- 11 Enter name of warehouse sampler (print or type).
 - 12 Record the contract number assigned to the warehouse and the warehouse sample.
 - 13 The warehouse sampler signs and dates.
 - 14 Enter the complete firm name and mailing address for assessing the applicable fee(s) and charge(s).
 - 15 Enter name of warehouse, manager's signature, title, and date